



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3975**
Katsumi IHARA et al. : Attorney Docket No. 2005_0097A
Serial No. 10/524,024 : Group Art Unit 1615
Filed February 9, 2005 : Examiner Suezu Y. Ellis
PATCH CONTAINING FENTANYL FOR : **Mail Stop: AF**
MUCOUS MEMBRANE OF ORAL CAVITY

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated October 14, 2008 of the Primary Examiner finally rejecting claims 1-6.

- (X) A timely response to the final rejection has been filed.
- (X) The extension fee of **\$1,110.00** for a three month extension of time is submitted with the attached Petition for Extension of Time.
- (X) The Appeal Fee of [X] \$540.00 (other than Small Entity)
[] \$270.00 (Small Entity)
- (X) is enclosed
() is to be charged to Deposit Account No. 23-0975. The original and two copies of this sheet are enclosed.
- () Small entity status of this application is established by the verified statement under 37 CFR 1.9 and 1.27 which
() is enclosed.
() has been previously submitted.

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() The Appeal Fee is not required since it was paid in a prior appeal.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Katsumi IHARA et al.

By Andrew B. Freistein

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